

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

January 8, 2010

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.:09KD-050

Kauai

Set Aside Portion to Department of Transportation, Highway Division for Highway Improvements Purposes and Issuance of a Right-of-Entry Permit, Lumahai, Hanalei, Kauai, Tax Map Key: (4) 5-6-03:portion of 4

APPLICANT:

Department of Transportation (DOT), Highway Division

LEGAL REFERENCE:

Section 171-11 and 55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands of Hanalei situated at Lumahai, Hanalei, Kauai, identified by Tax Map Key: (4) 5-6-03:portion of 004, as shown on the attached map labeled Exhibit A.

AREA:

1.139 acres, more or less.

ZONING:

State Land Use District:	Conservation
County of Kauai CZO:	Open

TRUST LAND STATUS:

Acquired after August 1959

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Vacant.

PURPOSE:

Highway Improvement purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on October 8, 2006 with a finding of no significant impact (FONSI).

The Land Board at its meeting of December 11, 2009, under agenda Item K-4, approved Applicant's conservation district use application for Kuhio Highway Roadway Plan; subdivision of the 40 acre State-owned parcel (tmk: 5-6-3:4), consolidation and resubdivision of Bishop Estate-owned parcel (tmk: 5-7-3:3). (CDUA KA-3524). Exhibit B.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Process and obtain subdivision at Applicant's own cost; and
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

BACKGROUND:

Parcel 4 was acquired by the State Of Hawaii from The Trust For Public Lands (TPL) on May 25, 2001 for \$890,000. The property was previously owned by the Wilcox Family. TPL's intention was to sell the property to the State "to prevent development of the area and preserve the scenic view of Lumahai Beach from the Kuhio Highway."

The property is subject to "Easement 3 in favor of the State of Hawaii and the County of Kauai of and for a right of way for public road purposes, twenty (20) feet wide, over, across and through Lot C-2, as shown on Maps 2 and 7 of Land Court Application No. 1161."

By memorandum dated April 6, 2009, Director Brennon T. Morioka, Ph.D, P.E. is requesting the subject area be set aside to DOT. Briefly, the State Department of Transportation, Highways Division plans to repair approximately 900 feet of Kuhio Highway (Route 560) in the vicinity of Lumahai on the north shore of Kauai. The purpose of this project is to repair

and reconstruct portions of the highway that are in danger of failing due to erosion. Repairs will be conducted on the existing highway, which will include the reconstruction of damaged roadways, construction of retaining walls for embankment protection, and the replacement of guardrails. Funding for the construction is authorized by SLH 2007, Act 213, Item No. C-105.

REMARKS:

The project area is on the north shore of Kauai at Lumahai, between Wainiha and Hanalei Bays. Kuhio Highway is believed to have been constructed by the County of Kauai circa 1930's, and then given to the State of Hawaii for maintenance and operation. The highway here is a narrow, 20-foot wide, two-lane road with no shoulder. The project area is approximately 900 linear feet between mileposts 5.0 and 5.17. There are numerous low concrete rubble masonry walls acting as safety barriers. The distressed makai edge of the highway exhibits erosion damage, longitudinal cracking of the highway, and damage to the existing CRM walls. Furthermore, the actual route of the highway does not line up with the existing easements and rights-of-way of Lumahai.

The roadway will be rebuilt using reinforced concrete overlain with asphalt paving, railings of reinforced concrete to replace the deteriorating CRM walls, and a Keystone retaining wall system to protect the embankment. Approximately 500 feet of roadway will not need retaining walls. The transition from the rock-veneer concrete to metal guardrail will occur at the Lumahai Lookout. The metal railing will be continuous after this for aesthetic purposes.

The makai travel lane will be excavated to build the Keystone retaining wall system. The soils will be removed from the site and replaced with granular soil. The retaining wall system will support a reinforced concrete roadway slab, which will be overlaid with asphalt paving.

The Keystone concrete blocks are lightweight and can be transported over the existing low-capacity bridges. No specialized heavy equipment will be required for construction.

The rock veneer was chosen to reflect the historic character of the highway.

DOT is also requesting the Land Board's favorable consideration in granting DOT a right-of-entry permit for management, planning, construction, and maintenance purposes. The project is on a very tight timeline. Advertising of this project has already commenced.

RECOMMENDATION:

That the Board, subject to Applicant fulfilling the Applicant Requirements above:

1. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to Department of Transportation, Highway Division

under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:

- A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
  - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
  - C. Compliance with CDUA KA-3524;
  - D. Review and approval by the Department of the Attorney General; and
  - E. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Authorize the issuance of a right-of-entry permit to the Department of Transportation, Highway Division, for management, planning, construction, and maintenance purposes, which are by this reference incorporated herein and further subject to the following:
- A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
  - B. Compliance with CDUA KA-3524; and
  - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
\_\_\_\_\_  
ja Tommy Oi  
Kauai District Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Laura H. Thielen, Chairperson

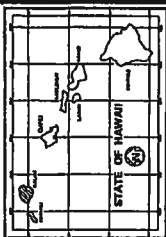


SHEET NO.	INDEX TO DRAWINGS
1	TITLE SHEET
2	STANDARD PLANS SUMMARY
3	GENERAL NOTES & LEGEND
4 - 5	WATER POLLUTION & EROSION CONTROL NOTES
6 - 7	ROADWAY PLAN
8 - 9	BORING LOGS
10	BEST MANAGEMENT PRACTICES PLAN & DETAILS
11	STRUCTURAL NOTES
12	RETAINING WALL SECTIONS AND DETAILS
13 - 14	RETAINING WALL AND CONCRETE RAILING ELEVATIONS
15	METAL RAILING ELEVATION
16	RETAINING WALL AND METAL RAILING ELEVATIONS
17	W-BEAM RAILING DETAILS
18	T-6 RAILING DETAILS
19	T-6 RAILING AND SCUPPER DETAILS
20	W-BEAM TO CONCRETE RAILING CONNECTION DETAILS
21	MODIFIED TYPE "G" TERMINAL END
22	PAVEMENT MARKING LEGEND, DETAILS & NOTES
23	TRAFFIC CONTROL NOTES
24 - 26	TRAFFIC CONTROL PLAN
27	LOW SPEED UNDIVIDED HIGHWAY WORK ZONE SIGNING PLAN

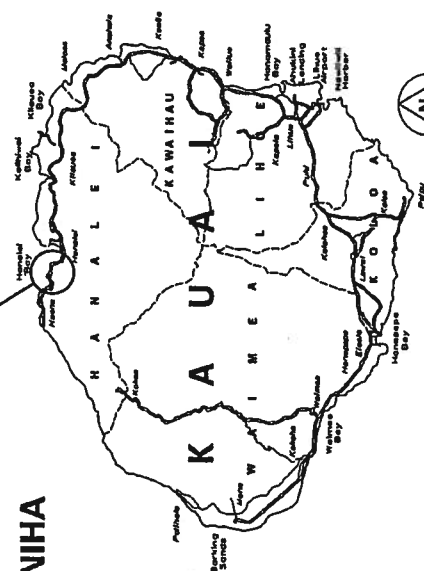
STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
HIGHWAYS DIVISION  
HONOLULU, HAWAII

PLANS FOR  
KUHIO HIGHWAY  
RETAINING WALLS AT LUMAHAI AND WAINIHA  
PROJECT NO. 560A-03-96  
DISTRICT OF HANAIEI  
ISLAND OF KAUAI

FED. ROAD DIST. NO.	STATE	PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAWAII	560A-03-96	2000	1	27



PROJECT LOCATION

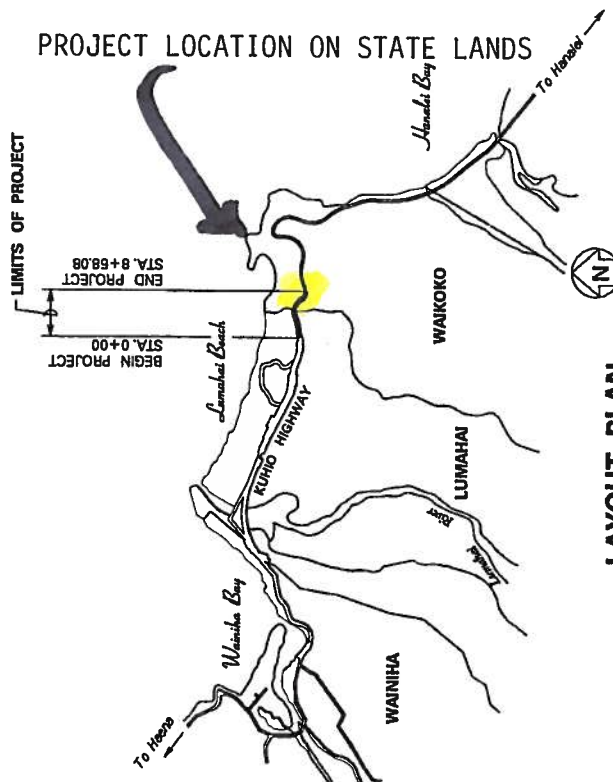


SCALE IN MILES  
0 1 2 3

FEDERAL AID PROJECTS PREVIOUSLY CONSTRUCTED  
OR UNDER CONSTRUCTION

MILE POST 5.00 TO MILE POST 5.18

PROJECT LOCATION ON STATE LANDS



LAYOUT PLAN

GROSS LENGTH OF PROJECT 0.18 MILES  
NET LENGTH OF PROJECT 0.16 MILES

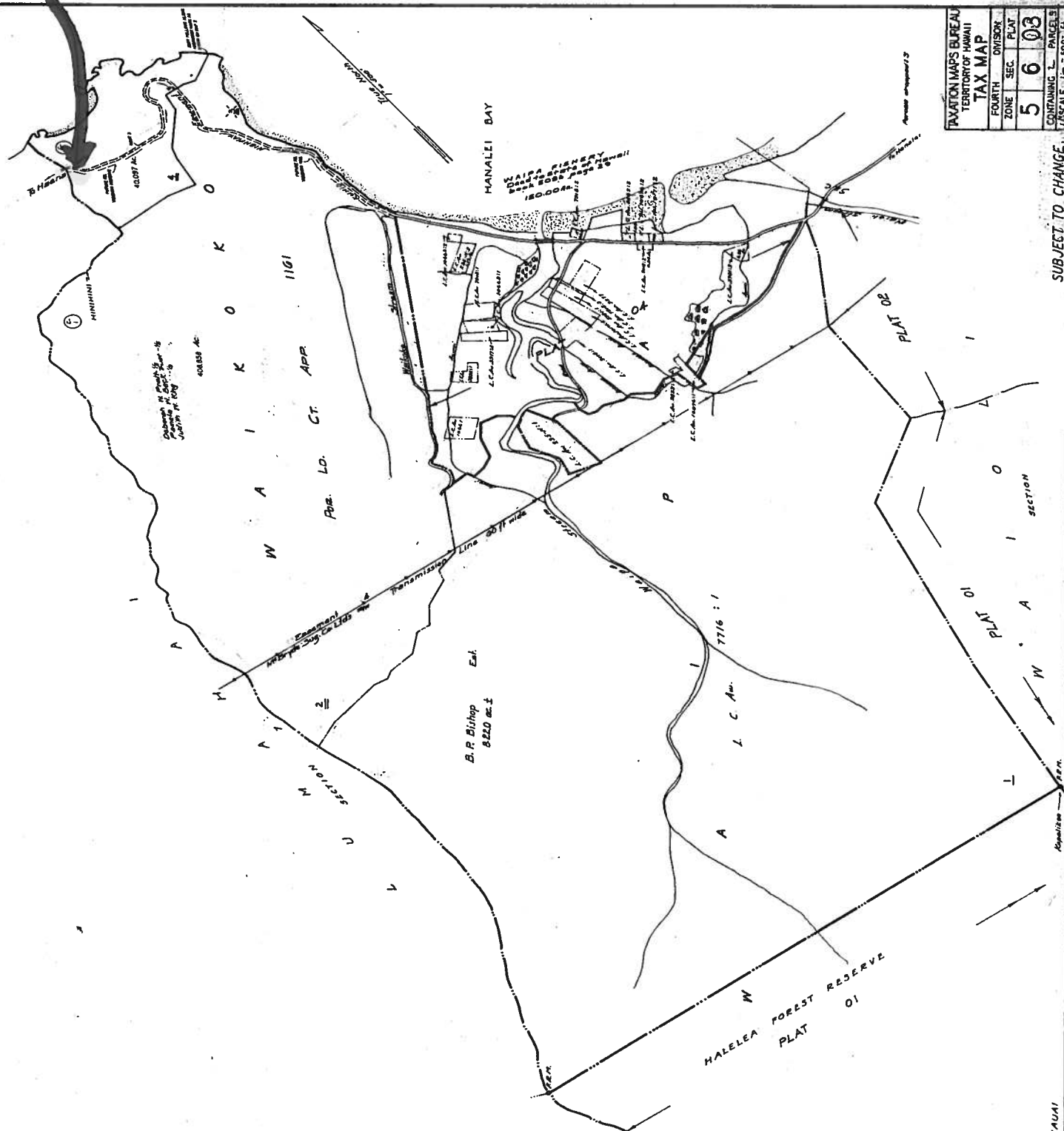
SCALE IN THOUSAND FEET  
0 1 2 3

EXHIBIT "A"

DESIGNED BY NISHIKURA  
KATAYAMA & OKI, INC.  
MANAGED BY HWY-KE  
241-3000  
DATE APR. 2000

DEPARTMENT OF TRANSPORTATION  
STATE OF HAWAII  
APPROVED: \_\_\_\_\_  
DIR. OF TRANSPORTATION \_\_\_\_\_ DATE \_\_\_\_\_

## PROJECT LOCATION ON STATE LANDS



**EXHIBIT "A"**

WAIPIA-WAIKOKO, HANALEI, KAUAI

**SUBJECT TO CHANGE.**

TAXATION MAPS BUREAU TERRITORY OF HAWAII		DIVISION	
TAX MAP		FOURTH	
ZONE	SEC.	PLAT	
5	6	03	
CONTAINING 2 PARCELS			
SCALE 1" = 500' H.			

03/11/2020

FEB 17 1943  
 JUL 3 1943  
 OCT 1 1945  
 FEB 28 1951  
 MAR 12 50  
 O-2734  
 P. 2 1943  
 MAR 2 1943  
 MAR 28 1943  
 OCT 8 1944

Dmg \_\_\_\_\_ 1988  
 By S.R. McALISTER  
 Source: Mr. John Brown  
 Appr. by \_\_\_\_\_  
 Revised by \_\_\_\_\_  
 Appr. by \_\_\_\_\_



LINDA LINGLE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
OFFICE OF CONSERVATION AND COASTAL LANDS

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

LAURA H. THIELER  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
HISSELY V. TSUJI  
FIRST DEPUTY  
KEN C. KAWAHARA  
IDENTITY DIRECTOR - WATER  
AQUATIC RESOURCES  
BOATING AND TUGAN REGULATION  
BUREAU OF CONSERVATION  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
FISH AND WILDLIFE  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAIHOLA AND ISLAND RESERVATION COMMISSION  
LAND  
STATE PARKS

REF:OCCL:MC

CDUP: KA-3524

George Nishimura  
Nishimura, Katayama & Oki, Inc.  
826 Kāheka St.  
Honolulu, HI 96814

DEC 11 2009

Dear Mr. Nishimura,

SUBJECT: CONSERVATION DISTRICT USE PERMIT (CDUP) KA-3524 — — — — —  
Kūhi'o Highway Roadway Plan  
Lumaha'i and Waikoko, Hanalei, Kaua'i  
TMKs (4) 5-6-03:4 & 5-7-3:03

This is to inform you that on December 11, 2009, the Board of Land and Natural Resources approved this Conservation District Use Permit (CDUP) KA-3524 for the Kūhi'o Highway Roadway Plan, including the Subdivision of the 40-acre State-owned parcel (4) 5-6-03:4 and the Consolidation & Resubdivision of Bishop Estate-owned parcel (4) 5-7-3:03, at Lumaha'i and Waikoko, Hanalei, Kaua'i, subject to the following conditions:

1. The applicant shall comply with all applicable statutes, ordinances, rules, regulations, and conditions of the Federal, State, and County governments, and applicable parts of the Hawaii Administrative Rules, Chapter 13-5;
2. The applicant shall comply with all applicable Department of Health administrative rules;
3. Any work done or construction to be done on the land shall be initiated within one year of the approval of such use, in accordance with construction plans that have been signed by the Chairperson, and, unless otherwise authorized, shall be completed within three (3) years of the approval. The applicant shall notify the Department in writing when construction activity is initiated and when it is completed;
4. Before proceeding with any work authorized by the Board, the applicant shall submit four (4) copies of the construction and grading plans and specifications to the Chairperson or his authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three (3) of the copies will be returned to the applicant. Plan approval by the Chairperson does not constitute approval required from other agencies;
5. All best management measures set forth in the application materials are incorporated as conditions of the permit;

EXHIBIT "B"

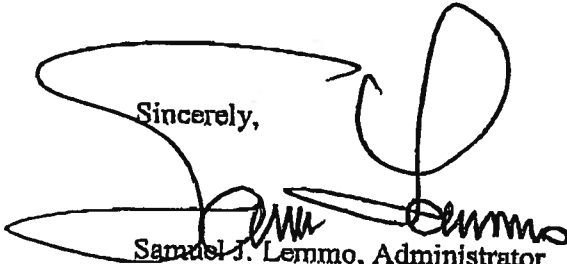
CDUP KA-3524

page 2

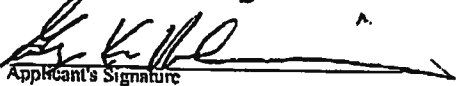
6. The applicant understands and agrees that this permit does not convey any vested rights or exclusive privilege;
7. In issuing this permit, the Department and Board have relied on the information and data that the applicant has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;
8. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the applicant shall be required to take the measures to minimize or eliminate the interference, nuisance, harm, or hazard;
9. Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact HPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
10. Other terms and conditions as may be prescribed by the Chairperson; and
11. Failure to comply with any of these conditions shall render this Conservation District Use Permit null and void.

Please acknowledge receipt of this approval, with the above noted conditions, in the space provided below. Please sign two copies. Retain one and return the other within thirty (30) days. Should you have any questions on any of these conditions, please feel free to contact Michael Cain at 587-0048.

Sincerely,

  
Samuel J. Lemmo, Administrator  
Office of Conservation and Coastal Lands

Receipt acknowledged:

  
Applicant's Signature

12/14/09  
Date

c: State Department of Transportation, Highways Division (attn: Fred Reyes)